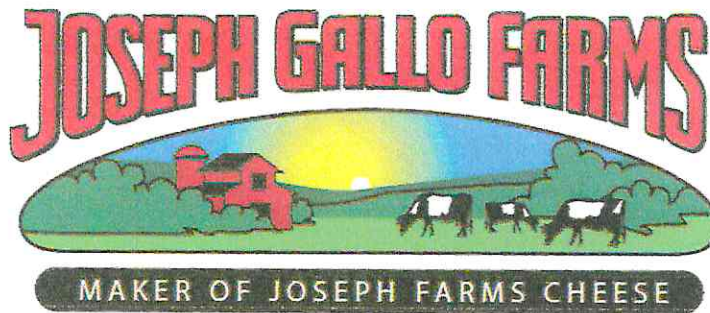


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July 31, 2017

By E-Mail and U.S. Mail
RB5S-NPDES-Comments@waterboards.ca.gov

Mr. David Kirn
Central Valley Water Resources Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Re: Comments on Proposed General Permit for Municipal Wastewater Discharges That Meet Objectives/Criteria at the Point of Discharge to Surface Water

Dear Mr. Kirn:

I am the CEO and Co-Owner of Gallo Cattle Company, doing business as Joseph Gallo Farms ("Gallo"). Thank you for the opportunity to comment on the proposed general permit referenced above.

The City of Atwater is listed as potentially receiving coverage by the proposed general permit. As discussed further below, Atwater's current NPDES permit (NPDES No. CA0085308) allows Gallo to make Atwater's wastewater discharges available for additional downstream uses, including to support United States Fish and Wildlife Service uses at the nearby federal Merced National Wildlife Refuge. The proposed general permit should therefore contain terms that ensure similar, long-standing downstream uses of discharged wastewater may continue under the new general permit terms.

Since the 1970's, Gallo and the City of Atwater have had a contract for Gallo to receive Atwater's treated wastewater on Gallo's Santa Rita Ranch. Under an NPDES permit issued in 2011, Atwater discharges tertiary-treated wastewater into the Peck Drain on Gallo's ranch. The Peck Drain runs through that ranch and discharges to Bear Creek. Several miles downstream of Gallo's ranch, Bear Creek flows into the San Joaquin River. Part of the Merced National Wildlife Refuge is located along Bear Creek between Gallo's ranch and the San Joaquin River.

Atwater's current NPDES permit recognizes that there is hydraulic connectivity all the way from Atwater's discharge point through the Peck Drain and Bear Creek to the San Joaquin River, and further that Atwater's discharges must be protective of all designated, downstream beneficial uses. As a result, consistent with this portion of Atwater's current permit, Gallo periodically has transferred wastewater it receives from Atwater to the federal Merced National Wildlife Refuge. That refuge often has inadequate water supplies. This transfer depends on the fact that Atwater's current individual permit recognizes that the wastewater flows through Peck Drain to Bear Creek

near the refuge. Gallo also may be able to make more such transfers or exchanges to other water-short areas through the San Joaquin River. Such transfers or exchanges also would depend on the fact that Atwater's current individual permit recognizes that Atwater's wastewater flows to the San Joaquin River.

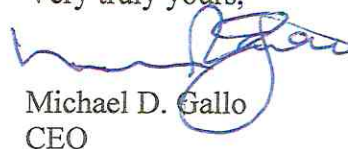
In order to cover arrangements like Gallo's with Atwater under which landowners agree to accept wastewater discharges in order to be able to make beneficial use of them downstream, the Regional Board's new general permit needs to continue to provide regulatory coverage downstream as Atwater's current permit does. The fact that the Regional Board's new general permit focuses on agencies that meet water quality standards "end of pipe" should not disadvantage landowners that already have agreed to accept those agencies' wastewater. Such arrangements benefit all parties, so the Regional Board should be careful to ensure that the new general permit continues to support them.

Based on our review of the proposed general permit, we recommend the following addition to Attachment F, Section IV.C.1.a (p. F-7) to further ensure existing downstream beneficial uses are protected:

- a. **Basin Plans.** The Central Valley Water Board adopted a Water Quality Control Plan, Fourth Edition (Revised July 2016 with approved amendments), for the Sacramento and San Joaquin River Basins and a Water Quality Control Plan, Second Edition (Revised July 2016 with approved amendments), for the Tulare Lake Basin (hereinafter Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives for all waters addressed through the plans. Requirements in this Order implement the Basin Plans. The Basin Plans identify the typical beneficial uses as follows: municipal and domestic supply; agricultural irrigation; stock watering; process supply; service supply; hydropower supply; water contact recreation; canoeing and rafting recreation; other non-contact water recreation; warm freshwater aquatic habitat; cold freshwater habitat; warm fish migration habitat; cold fish migration habitat; warm and cold spawning habitat; wildlife habitat; navigation; rare, threatened, or endangered species habitat; groundwater recharge; and freshwater replenishment. The Notice of Applicability from the Executive Officer shall specify the specific beneficial uses applicable to the receiving water. **If coverage under this permit replaces coverage under an existing individual NPDES permit, then the beneficial uses specified in the existing individual permit shall be carried over and specified in the Notice of Applicability.**

Please feel free to contact me with any questions.

Very truly yours,



Michael D. Gallo
CEO